

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
Clerk's Office
USDC, Mass.
Date 12-3-07
By [Signature]
Deputy Clerk

CHARLES WILKERSON,

Petitioner,

v.

COMMONWEALTH OF MASSACHUSETTS
and DANIEL F. CONLEY,

Respondents.

Civil Action No. 04-11771-RGS

RESPONDENTS' RULE 5 SUPPLEMENTAL APPENDIX

Pursuant to Rule 5 of the Rules Governing Section 2254 Cases ("Rule 5"), the Respondents, the Commonwealth of Massachusetts and Suffolk District Attorney Daniel F. Conley (together, the "Respondents"), hereby submit the following supplemental materials:

- A. Docket in connection with the Petitioner's criminal case in the Dorchester Division of the District Court Department of the Massachusetts Trial Court (the "Dorchester District Court");¹
- B. Brief filed by the Petitioner in connection with his appeal to the Massachusetts Appeals Court, No. 01-P-0795;
- C. Order of the Massachusetts Appeals Court affirming the Dorchester District Court's denial of the Petitioner's Motion for New Trial;

¹ There appears to be a discrepancy concerning the docket number for the Dorchester District Court case, even among court records. Some documents list the number as 9207-CR-6228, while others list the number as 9207-CR-6338.

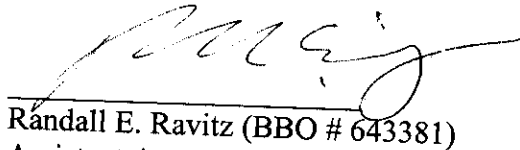
- D. Memorandum and Order Pursuant to Rule 1:28 of the Massachusetts Appeals Court affirming the Dorchester District Court's denial of the Petitioner's Motion for New Trial, reported as Commonwealth v. Wilkerson, 54 Mass. App. Ct. 1114, 766 N.E.2d 913 (2002);
- E. Brief filed by the Petitioner in connection with his application for leave to obtain further appellate review by the Massachusetts Supreme Judicial Court, No. FAR-12635;
- F. Order of the Massachusetts Supreme Judicial Court denying further appellate review, reported as Commonwealth v. Wilkerson, 437 Mass. 1103, 772 N.E.2d 588 (2002); and
- G. Sentencing Memorandum issued in connection with United States v. Wilkerson, Criminal Case No. 98-10185-NG (D. Mass. Jan. 10, 2002).

Having made diligent inquiries, the undersigned counsel for the Respondents is not aware of any existing transcripts prepared in connection with the state court proceedings giving rise to the Petition. The docket for Dorchester District Court case indicates that the following tape recordings were prepared, all of which the undersigned counsel understands to have been destroyed pursuant to court rules:

Date	Tape No.	Start Position	Stop Position
8/18/92	1099	1940	
2/16/95	0261	2596	2900
3/95	415	720	

Respectfully submitted,

THOMAS F. REILLY
Attorney General



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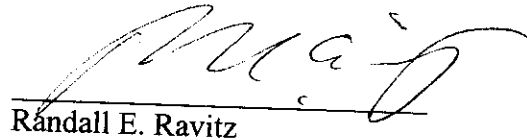
Dated: December 3, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served on December 3, 2004, by first class mail, postage prepaid, upon:

Charles Wilkerson
Reg. No. 22166-038
U.S.P. Lewisburg
P.O. Box 1000
Lewisburg, PA 17837

pro se


Randall E. Ravitz